

Issuance Date: October 22, 2004  
Effective Date: December 1, 2004  
Expiration Date: June 30, 2009

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT NO. WA0038784

State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-7600

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
And  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

**Associated Petroleum Products, Inc.**  
**P.O. Box 1397**  
**Tacoma, WA 98401-1397**

<u>Facility Location:</u> 2320 Milwaukee Way Tacoma, WA	<u>Receiving Water:</u> Blair Waterway via Lincoln Avenue Ditch via Unnamed Drainage Ditch Inner Commencement Bay
<u>Water Body I.D. No.:</u> WA-10-0020 (390KRD)	<u>Discharge Location:</u> Latitude: 47° 14' 61" N Longitude: 122° 24' 08" W
<u>Industry Type:</u> Bulk Petroleum Storage and Distribution	<u>SIC:</u> 5171

is authorized to discharge in accordance with the special and general conditions which follow.

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Kelly Susewind, P.E., P.G.  
Southwest Region Manager  
Water Quality Program  
Washington State Department of Ecology

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## GENERAL CONDITIONS

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### SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S2.A	Discharge Monitoring Report	Monthly Quarterly	January 15, 2004 January 15, 2004
S2.E	Noncompliance Notification	As necessary	Immediate notification; send written report within 30 days of becoming aware
S3.A	Operations and Maintenance Manual	1/permit cycle	January 2, 2009 if no modifications have been submitted during this permit cycle
S3.A	Modified Operations and Maintenance Manual or Review Confirmation Letter	Annually	January 2, 2005
S3.B	Reporting Bypasses	As necessary	
S4.	Spill Plan	1/permit cycle	January 2, 2009 if no modifications have been submitted during this permit cycle
S4.	Modified Spill Plan	As necessary	Within 30 days of modification
S8.	Stormwater Pollution Prevention Plan	1/permit cycle	January 2, 2005
S8.	Submit Copy of SWPPP to Municipal Stormwater Manager	1/permit cycle	January 2, 2005
G1.	Notice of Change in Authorization	As necessary	Prior to or within first submittal following change in authorization
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	At least 60 days prior to planned start of construction
G5.	Engineering Report for Construction or Modification Activities	As necessary	At least 180 days prior to planned start of construction
G7.	Application for Permit Renewal	1/permit cycle	January 2, 2009

Permit Section	Submittal	Frequency	First Submittal Date
G8	Notice of Permit Transfer	As necessary	Within 30 days of a transfer
G21	Notice of Planned Changes	As necessary	At least 180 days prior to changes
G22.	Reporting Anticipated Non-compliance	As necessary	At least 180 days prior to anticipated discharge

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

#### A. Stormwater Monitoring Schedule and Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge both treated stormwater from the tank farm and loading rack and untreated non-industrial related stormwater from the facility's property. The treated stormwater discharge from the facility shall be sampled after all treatment processes, but before mixing with other stormwater sources.

Best management practices (BMPs) shall be adopted and implemented by the Permittee to ensure that potential pollutants conveyed in stormwater runoff is kept to a minimum. Special Condition S9 of this permit requires that a Stormwater Pollution Prevention Plan be developed which, at a minimum, adopts the BMPs specified in Special Condition S6 of this permit. These BMPs shall be implemented before any stormwater discharge is allowed.

The discharge is subject to comply with the following monitoring schedule and limitations as measured from Compliance Sampling Point (CSP) 001 as provided below:

Parameter	Units	Average Monthly <sup>1</sup>	Maximum Daily <sup>2</sup>	Minimum Sampling Frequency <sup>3</sup>	Sample Type	Test Method <sup>4</sup>
<b>STORMWATER SAMPLING LOCATION: CSP 001 – Oil/Water Separator Effluent</b>						
Flow	gpd	N/A	Report	Daily	Continuous	Measured
Oil and Grease	1=Yes 0 = No	No visible sheen		Daily	Inspection	Visual
Oil and Grease <sup>5</sup>	mg/L	10	15	Monthly	Grab	EPA 1664A
pH <sup>5</sup>	Standard Units	Between the range of 6.0 and 9.0		Monthly	Composite <sup>6</sup>	EPA 150.1
Total Suspended Solids <sup>5</sup>	mg/L	20	30	Monthly	Composite <sup>6</sup>	

Parameter	Units	Average Monthly <sup>1</sup>	Maximum Daily <sup>2</sup>	Minimum Sampling Frequency <sup>3</sup>	Sample Type	Test Method <sup>4</sup>
BTEX <sup>5</sup>	µg/L	N/A	100	Monthly	Grab	<sup>7</sup>
Total Petroleum Hydrocarbons (gasoline) <sup>5</sup>	mg/L	N/A	1.0	Quarterly	Grab	NWTPH-Gx
Total Petroleum Hydrocarbons (diesel) <sup>5, 8</sup>	mg/L	N/A	10.0	Quarterly <sup>8</sup>	Grab	NWTPH-Dx
Benzene <sup>9</sup>	µg/L	N/A	1.2	Monthly	Grab	<sup>10</sup>
Total Recoverable Zinc <sup>11</sup>	µg/L	N/A	3,290	Monthly	Grab	EPA 200.7 or EPA 200.8

1. The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. When only one sample is collected during a calendar month, the average monthly value is equal to the concentration of the sample.
2. The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.
3. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least 48 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first 60 minutes of discharge. If the collection of a grab sample is impracticable within the first 60 minutes of a rainfall event, a grab sample can be taken during the first two hours of discharge, and the Permittee shall submit with the monitoring report a description of why a grab sample was not possible during the first hour.

If the Permittee is unable to collect a sample due to insufficient rainfall, lack of a qualifying rain event, or due to adverse climatic conditions, the Permittee shall submit in lieu of sampling data and explanation of why samples were not collected. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel or otherwise make collection of a sample impracticable.

4. Method listed refers to "Methods for Chemical Analysis of Water and Wastes," U.S. Environmental Protection Agency, EPA-600/4-79-020, March 1979. See 40 CFR 136.3 (Table IB) for equivalent methods. Methods "NWTPH-Gx" and "NWTPH-Dx" can be found in Analytical Methods for Petroleum Hydrocarbons, Publication No. ECY 97-602, June 1997.
5. These are technology-based limitations. Please refer to the Fact Sheet for more information.
6. The composite shall consist of a minimum of four grab samples collected during a discharge event equally mixed into one sample container and submitted for analysis

according to the instructions of the laboratory. The grab samples for the purpose of compositing shall be collected at equidistant time intervals.

7. BTEX shall be measured as the sum of benzene, ethylbenzene, toluene, and xylenes concentrations, using Ecology Method for BTEX or approved equivalent methods.
8. Quarterly monitoring periods shall be from October – December, January – March, April – June, and July – September.
9. Benzene is based on human health criteria. No dilution factor is authorized in establishing this limitation.
10. Benzene shall be measured using Ecology Method for BTEX or approved equivalent methods.
11. Zinc is based on the water quality criteria of 47 µg/L (based on an upstream hardness of 35 mg/L in the unnamed drainage ditch). The unnamed drainage ditch's background zinc concentration is assumed to be zero at this time. A dilution factor of 1 to 70 is applied at this time to the zinc criteria resulting in a calculated maximum daily limit of 3,290 µg/L.

B. Dilution Factor Description

The Permittee is allowed a 1 to 70 dilution factor from the point of the treated tank farm and loading rack effluent to the point of discharge to the unnamed drainage ditch for total zinc. The source of the dilution water's flow is from the facility's non-industrial stormwater drainage flow from the site. The dilution factor is based on the ratio between the land surface area from the tank farm and loading rack and the non-industrial drainage areas (i.e. parking areas, building roofs, etc.). At this time, the dilution factor assumes that the non-industrial drainage area stormwater's zinc concentration is negligible. This dilution factor is established based on the best available information at this time. The Department reserves the right to modify this dilution factor, in the future, based on the facility's flows, drainage system, non-industrial stormwater zinc concentration, and/or characteristics of the unnamed drainage ditch receiving water. The Department also reserves the right to request from the Permittee to provide more information regarding these issues at any time.

C. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).



D. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

E. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

**S2. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly and quarterly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a separate Discharge Monitoring Report (DMR) forms provided, or otherwise approved, by the Department. DMR forms shall be postmarked or received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to:

Industrial Unit Permit Coordinator  
Department of Ecology  
Southwest Region – Water Quality  
P.O. Box 47775  
Olympia, WA 98504-7775

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method

detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S1. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.

3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

### **S3. OPERATION AND MAINTENANCE**

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

#### **A. Operations and Maintenance Manual**

The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter to the Department. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual. If no modifications to the O&M Manual have been made during this permit cycle, then the Permittee shall review and update the O&M Manual and submit it to the Department no later than January 2, 2009.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

The O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Plant maintenance procedures.
3. The treatment plant process control monitoring schedule.

The following information shall be summarized in the initial chapter of the O&M manual. This chapter shall be entitled the "Treatment System Operating Plan." For the purposes of this NPDES permit, a Treatment System Operating Plan

(TSOP) is a concise summary of specifically defined elements of the O&M Manual. The TSOP shall not conflict with the O&M Manual and shall include the following information:

1. A baseline operating condition which describes the operating parameters and procedures used to meet the effluent limitations of S1.
2. The monitoring and reporting shall be described in the plan.
3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset.
4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
  - c. The Department is properly notified of the bypass as required in condition S2.E of this permit.
3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of

equipment down time, or transport of untreated wastes to another treatment facility.

- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass may be by administrative order issued by the Department under RCW 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**S5. SPILL CONTROL PLAN**

The Permittee shall review the existing Spill Control Plan (Plan) at least annually and update the Plan as needed. Changes to the Plan shall be sent to the Department within 30 days of the modification. The Plan and any supplements shall be followed throughout the term of the permit. If no modifications to the Spill Control Plan have been made during this permit cycle, then the Permittee shall review and update the Spill Control Plan and submit it to the Department no later than January 2, 2009.

The Spill Control Plan shall address the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials which may become pollutants or cause pollution upon reaching the waters of the State. The Plan and any supplements shall be followed throughout the term of the permit.

The Spill Control Plan shall specifically include, among other requirements, the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

**S6. BEST MANAGEMENT PRACTICES**

The following Best Management Practices (BMPs) shall be implemented by the Permittee and incorporated into the facility's Stormwater Prevention Pollution Plan (SWPPP) see Special Condition S9. of this permit. Condition S9. also establishes the required schedule for implementation of these BMPs by the Permittee.

1. The tank farm containment area drain valve shall be closed at all times, except when draining accumulated stormwater into the treatment system. The accumulated stormwater in the containment area shall be discharged at a rate not to exceed the design capacity of the oil/water separator as well as the design flow rate of any subsequent treatment units.
2. The oil/water separators shall be inspected on a weekly basis at minimum and maintained as needed to ensure satisfactory performance. Oil sludges shall be disposed of in a manner that will not cause water quality degradation to state waters. A record of inspection, maintenance, and disposal shall be kept on file and available for review by the Department.
3. All stormwater runoff from the containment tank farm shall be directed to the existing oil/water separator for treatment prior to discharge.
4. All detergent washing of vehicles shall be conducted on established wash racks which drain into the sanitary sewer.
5. In the event of an accidental discharge of oil, chemicals, toxic or hazardous materials into waters of the state or onto land with a potential for entry into state waters, including groundwater, representatives of the Southwest Regional Office Spill Response Team shall be notified immediately (within 24 hours) at (360) 407-6300. A written spill report shall be submitted to the Department of Ecology, Water Quality Program, within five (5) days of the time the Permittee becomes aware of the circumstances, unless the Department waives or extends this requirement on a case-by-case basis.
6. No emulsifiers or dispersants and no fire suppression foam agents and wash water shall be released to the oil/water separators.
7. Contained, collected or accumulated oils and solvents shall be discharged directly to the waste oil tank and not discharged to the oil/water separators or any sewer systems. Records or manifests for the waste oil disposal (hauling) shall be kept on-site and made available for inspection.

8. Best Management Practices shall be employed to collect oil spillage when making and breaking hose connections, and to prevent spillage from all hoses, hose reels and filler nozzles. Containment and other specialized oil cleanup equipment shall be available at all times for immediate emergency use.
9. Best Management Practices shall be employed on-site to reduce dust and debris by sweeping the area impacted by heavy vehicle traffic whenever weather permits.
10. All water drawn from storage tanks which contain fuel shall be hauled off-site for proper disposal.
11. A daily inspection shall be conducted in the tank farm for leaks and spills.
12. Sludges, scales, and sediments from tanks shall be disposed of in an approved manner other than to waters of the state, and other than to the sanitary sewer system.
13. All barrels, drums, or similar containers containing toxic or deleterious materials, including, but not limited to petroleum products, organic solvents, resins, strong acids and bases, cyanides, and heavy metal salts, shall be stored in an upright position, in a bermed, covered area sufficient to prevent discharge into state ground or surface waters in the event of leakage or rupture.
14. Empty barrels shall be stored with all openings plugged, in an upright position, and at least twenty feet from a storm drain.
15. All galvanized steel or zinc containing structures and/or coatings that are exposed to rainfall shall be inspected at least once a month for corrosion and/or peeling. Any areas beginning to, or are, corroding shall be coated or re-coated as soon as possible.
16. Building gutters and downspouts shall be routinely inspected for maintenance and corrosion. If corrosion is occurring, replace the corroded section or prepare surface for the proper application of an anti-corrosive, long-lasting coating.
17. If zinc strips are used on rooftops, an alternative method for controlling moss shall be considered. If the rooftop is galvanized or has any galvanized hardware or appurtenances, it shall be routinely inspected for corrosion and steps shall be taken to prevent corrosion from occurring.
18. Stormwater catch basins shall be routinely cleaned out and maintained. The use of catch basin filter fabrics should be considered by the Permittee and used if it does not grossly hinder the operation of the facility.



**S7. SOLID WASTE DISPOSAL**

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

**S8. NON-ROUTINE AND UNANTICIPATED DISCHARGES**

Beginning on the effective date of this permit, the Permittee may discharge non-routine wastewater on a case-by-case basis if approved by the Department. Prior to any such discharge, the Permittee shall contact the Department and at a minimum provide the following information:

1. The nature of the activity that is generating the discharge.
2. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.
3. The total volume of water expected to be discharged.
4. The results of the chemical analysis of the water. The water shall be analyzed for all constituents limited for the Permittee's discharge. The analysis shall also include hardness, any metals that are limited by water quality standards, and any other parameter deemed necessary by the Department. All discharges must comply with the effluent limitations as established in Condition S1 of this permit, water quality standards, sediment management standards, and any other limitations imposed by the Department.
5. The date of proposed discharge and the rate at which the water will be discharged, in gallons per minute. The discharge rate shall be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances or exits.
6. If the proposed discharge is to a municipal storm drain and is approved by the Department, the Permittee shall notify the municipality of the discharge.

The discharge cannot proceed until the Department has reviewed the information provided and has authorized the discharge. Authorization from the Department will be by letter to the Permittee or by an Administrative Order.

## S9. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, which is published by the Department of Ecology.

### A. Plan Development Deadlines

The Permittee shall develop, implement, and comply with a SWPPP in accordance with the following schedule:

1. By January 2, 2005, develop an SWPPP and retain it on-site.
2. By July 1, 2005, complete the implementation of *operational BMPs* and applicable *source control BMPs*, as required under this Special Condition, which do not require *capital improvements*.
3. By April 1, 2006, complete the implementation of BMPs requiring capital improvements.

The guidance for development of an SWPPP is available from the Industrial Unit Permit Coordinator, Southwest Regional Office, P. O. Box 47775, Olympia, Washington 98504

### B. General Requirements

1. Submission, Retention, and Availability:

The Permittee shall submit a copy of the SWPPP to the Department by January 2, 2005 for review and comment. If stormwater discharge is to a municipal storm sewer system, submit a copy of the SWPPP to the municipal operator of the storm sewer system. The SWPPP and all of its modifications shall be signed in accordance with Special Condition G1. Retain the SWPPP on-site or within reasonable access to the site.

2. Modifications:

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) months of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.
4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:
  - a. Assessment and description of existing and potential pollutant sources.
  - b. A description of the operational BMPs.
  - c. A description of selected source-control BMPs.
  - d. When necessary, a description of the erosion and sediment control BMPs.
  - e. When necessary, a description of the treatment BMPs.
  - f. An implementation schedule.

#### C. Implementation

The Permittee shall conduct two inspections per year - one during the wet season (October 1 - April 30) and the other during the dry season (May 1 - September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).
2. Personnel named in the SWPPP shall conduct the dry season inspection. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

#### D. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and include a certification, in accordance with

Conditions S2.B and G1, that the facility is in compliance with the plan and in compliance with this permit. The record shall identify any incidents of noncompliance.

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to the Department.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting

false information, including the possibility of fine and imprisonment for knowing violations.

**G2. RIGHT OF INSPECTION AND ENTRY**

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

**G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - 1. Violation of any permit term or condition.
  - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
  - 3. A material change in quantity or type of waste disposal.
  - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
  - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
1. A material change in the condition of the waters of the state.
  2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
  3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
  6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
  7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
  2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

#### **G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty

(60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

**G8. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.



3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

**G11. DUTY TO PROVIDE INFORMATION**

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

**G12. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

**G13. ADDITIONAL MONITORING**

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G14. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

**G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by

imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

**G16. UPSET**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C. of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**G17. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G18. DUTY TO COMPLY**

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

**G19. TOXIC POLLUTANTS**

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the

regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G20. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

**G21. REPORTING PLANNED CHANGES**

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

**G22. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

**G23. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

**G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS**

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
  - 1. One hundred micrograms per liter (100 µg/L).
  - 2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
  - 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
  - 1. Five hundred micrograms per liter (500 µg/L).
  - 2. One milligram per liter (1 mg/L).
  - 3. Ten (10 ) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  - 4. The level established by the Director in accordance with 40 CFR 122.44(f).

**G25. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.